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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,393	06/04/2001	Louis chevallier	PF 980067	8508

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/806,393	CHEVALLIER ET AL.	
	Examiner	Art Unit	
	Dominic D. Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. The effective priority date of the instant application is October 5, 1998.

Claim Objections

2. Claim 8 is objected to because of the following informalities: In line 3, "relatives" should be changed to --relative--. In line 7, "second base" should be changed to --second database--. In lines 10-11, "acquiring new list" should be changed to --acquiring a new list--. In line 11, "copying acquired list" should be changed to --copying the acquired list--. In line 12, "service" should be changed to --services--.
3. Claim 13 is objected to because of the following informalities: In line 2, the phrase "according to Claim 2" should be removed.
4. Claim 14 is objected to because of the following informalities: In line 1, "it" should be changed to --said process--. In line 4, "second base" should be changed to --second database--.
5. Claim 15 is objected to because of the following informalities: In line 4, "relatives" should be changed to --relative--. In line 7, "service" should be changed to --services--. In line 9, "change of list of broadcast service" should be changed to --change to the list of broadcast services--. In line 10, "service" should be changed to --services--.
6. Claims 8-15 are objected to because of the following informalities. The term "ADDED" is an improper claim identifier, and should have read "New". Upon submission of claim amendments in response to this action, the proper claim identifiers

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will be "Cancelled" for the cancelled claims, "Currently Amended" for amended claims, and "Previously Presented" for unamended claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 6, it is unclear which claimed component the "it" refers to.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rzeszewski et al. (5,699,125) [Rzeszewski].

Regarding claim 8, Rzeszewski discloses a process for managing service data in a television system in which the service data are transmitted (col. 1, lines

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50-55), comprising a step of acquiring information containing a list of broadcast services and supplementary data relative to these services (col. 4, lines 26-37) and of storing the acquired information in a first database of a receiver (memory 18, col. 5 line 56 – col. 6 line 5);

the process comprises the step of:

- of copying information stored in the first database to a second database of the receiver for the updating of the said second database (VRAM, col. 6, lines 6-14);
- of making the data stored in the said second database available to at least one application of the said receiver (the application with access to the second database is the one used for displaying the program guide information on the CRT, col. 6, lines 10-14)
- when the acquired list of broadcast services changes, of acquiring a new list of services in the first database (when it is determined that the stored guide data is no longer current, col. 6, lines 15-30), and of copying the acquired list of broadcast services to the second database when the entire list has been acquired in the first database (col. 6, lines 15-30, specifically lines 25-30).

Regarding claim 9, Rzeszewski discloses the process according to claim 8, wherein the updating of the second database is performed immediately after acquiring a service datum (col. 6, liens 15-30).

Regarding claims 10 and 11, Rzeszewski discloses the process according to claims 8 and 9, wherein at the updating of the second database is performed after a predetermined time interval after a request for acquisition of a service datum (there is inherently a time interval between completion of the updating of the first database in memory 18 and the updating of the same database into VRAM, col. 6, lines 15-30).

Regarding claim 12, Rzeszewski discloses the updating of the second database is performed only following a request of an application (the database information is transferred to VRAM only upon request of the program guide application which is attempting to display a program guide on screen in response to a user request, col. 5 lines 30-45 and col. 6, lines 6-30).

Regarding claim 13, Rzeszewski discloses the process according to claim 9, wherein the moment of the update is dependent on the type of the service datum (updating the information in the VRAM is dependent upon the channel to which the service datum is associated, as the updating step takes longer when the channel is not on the "select channel list", col. 5, lines 46-55 shows the updating taking place from a channel not on the "select channel list" and col. 6, lines 6-14 shows the updating taking place when the channel is on the "select channel list", and as shown in col. 6, lines 10-14, service datum of the type on

the "select channel list" is loaded more quickly than service datum which is not of the type on the "select channel list").

Regarding claim 14, Rzeszewski discloses the process according to claim 8, furthermore comprising the steps of:

- when a service changes, acquiring new supplementary information relating to this service (information that is not current is removed and updated with the current information, col. 6, lines 19-23) and suspending the updating of the second database with the new supplementary information until a request of an application (the database information is transferred to VRAM only upon request of the program guide application which is attempting to display a program guide on screen in response to a user request, col. 5 lines 30-45 and col. 6, lines 6-30).

Regarding claim 15, Rzeszewski discloses a television receiver in a television system with transmission of service data (col. 1, lines 50-55), comprising:

- means for acquiring information containing a list of broadcast service and supplementary data relative to these services (col. 5, lines 30-45, wherein the list and data is described col. 4, lines 26-57);

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- means for storing information in a first service database (memory 18, col. 5 line 56 – col. 6 line 5); wherein the first service database comprises:
- means for copying the acquired list of broadcast services to a second database (VRAM, col. 6, lines 6-14);
- detection means of a change to the list of broadcast services (col. 6, lines 19-23), the detection means controlling the means for copying the list of broadcast services (program 30 running the process shown in fig. 3, col. 5, lines 30-45);
- means for suspending and resuming updating of the second database from the first database (the database information is transferred to VRAM only upon request of the program guide application which is attempting to display a program guide on screen in response to a user request, col. 5 lines 30-45 and col. 6, lines 6-30).

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS

A handwritten signature in black ink, appearing to read 'HAITRAN', is written over two horizontal lines.

**HAITRAN
PRIMARY EXAMINER**